

REMARKS

Claims 1-27 remain in the application. Claims 1, 2, 5, 7, 10, 12, 15, 17, and 20 have been amended. Claims 5, 7, 10, 12, 15, 17, and 20 have amended to correct a number of typographical errors.

Claim Rejections under 35 U.S.C. § 101

Claims 1 and 2 were rejected under 35 U.S.C. § 101 as being drawn to non-statutory subject matter. This issue was discussed during the interview held on December 21, 2004. Claims 1 and 2 have been amended to bring out the use of a computer system in the calculation of bonus exposure for advertising. In view of the amendments, reconsideration and withdrawal of the rejection of claims 1 and 2 under 35 U.S.C. § 101 is respectfully requested.

Claim Rejections under 35 U.S.C. § 103(a)

Claims 1-27 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,285,985 to Horstmann ("Horstmann").

Embodiments of the present invention concern the presentation of advertising, including a unique pricing model where a buyer of advertising exposure (e.g., an advertiser) can earn bonus exposure based on the interests of the viewers in the advertisement. For example, in an Internet advertising application, an advertiser can purchase a base level of exposure of its advertising message on a web-site. Based on the measured reflected interest of viewers of that advertisement, the advertiser can earn bonus exposure (e.g., further impressions of the advertising message on the web-site or enhanced placement of the advertisement on the web-site).

In the known CPM (cost per thousand) implementation, the advertiser bears most of the burden for the success of the advertising campaign because the publisher (e.g., the web-site publisher) receives payment whether the campaign is successful or not. In the known CPA (cost per action) implementation, the publisher bears most of the burden for the success of the advertising campaign because the publisher only receives payment if the user takes action based on viewing the advertisements. In the embodiments of the present invention described above, the burden for the success of the advertising campaign is more balanced between the publisher and the advertiser while providing newfound benefits to the viewer.

Benefits for the publisher include a shift in accountability from the publisher's audience to the creators of the advertising content. In one embodiment, there can be a potential decrease in unsold advertising inventory. For the advertiser, benefits include the ability to obtain bonus exposure for its advertising message and feedback from viewers as to the effectiveness of a campaign. The viewer benefits as well, in that widespread use of the present invention could lead to a dramatic increase in quality and relevance of advertising campaigns seen by the viewer.

Each of the pending claims recites methods and systems for providing exposure of advertising and bonus exposure of advertising based on viewer action. This feature is neither shown nor suggested by the Horstmann reference. Horstmann refers to a system for providing advertisements to a user of a software program (e.g., to pay for use of the program). As the user interacts with the program (e.g., a financial program), advertisements are displayed to the user in series. The user must be "on-line" so that advertisements can be downloaded from a central location (see, e.g., Fig. 5). It is clear that Horstmann does not provide a level of exposure and then bonus exposure based on the actions taken by the user. Indeed, the stream of advertisements to the user would be a continuous series that would not end until the user stops using the program.

Since features of each of the pending claims is neither shown nor suggested by the Horstmann reference, reconsideration and withdrawal of the rejection of claims 1-27 under 35 U.S.C. § 103(a) is respectfully requested.

CONCLUSION

For all the above reasons, the Applicant respectfully submits that this application is in condition for allowance. A Notice of Allowance is earnestly solicited.

The Examiner is invited to contact the undersigned at (202) 220-4255 to discuss any matter concerning this application. The Office is hereby authorized to charge any additional fees or credit any overpayments under 37 C.F.R. § 1.16 or § 1.17 to Deposit Account No. 11-0600.

Respectfully submitted,
KENYON & KENYON

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